

AARON D. FORD
Attorney General
ANDREW C. NELSON, Bar No. 15971
Senior Deputy Attorney General
State of Nevada
100 N. Carson Street
Carson City, NV 89701-4717
Tel: (775) 684-1227
E-mail: acnelson@ag.nv.gov

*Attorneys for Defendants
James Cox, James Dzurenda,
Michaela Garafalo, and Brian Williams*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

v.

SOUTHERN DESERT CORRECTIONAL
CENTER, *et al.*,

Defendants.

Case No. 2:19-cv-00232-MMD-DJA

**JOINT STIPULATION
TO EXTEND THE DISCOVERY
PERIOD
(Third Request)**

Plaintiff, Lausteveion Johnson, by and through counsel Michael S. Kelley and I. Scott Bogatz, of Reid Rubinstein and Bogatz, and Defendants, James Cox, James Dzurenda, Michaela Garafalo, and Brian Williams, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Andrew C. Nelson, Senior Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby stipulate and agree to extend the current discovery deadlines for an additional sixty (60) days commencing April 29, 2024. This is the parties' third request to extend the discovery period in this matter.

///

///

///

///

A. DISCOVERY COMPLETED

1. The Defendants' Initial Disclosure of Witnesses and Documents Pursuant to Fed. R. Civ. P. 26(a)(1).
2. Plaintiff's Request for Interrogatories [Set One] to Defendant Brian Williams sent on May 27, 2019
 - a. No Response was provided by the Defendants.
3. Plaintiff's Request for Production of Documents [Set One] to Defendant Brian Williams sent on May 27, 2019
 - a. No Response was provided by the Defendants.
4. Plaintiff's Request for Interrogatories [Set One] to Defendant James Dzurenda sent on May 27, 2019
 - a. No Response was provided by the Defendants.
5. Plaintiff's Request for Production of Documents [Set One] to Defendant James Dzurenda sent on May 27, 2019
 - a. No Response was provided by the Defendants.
6. Plaintiff's First Set of Interrogatories to the Defendants sent on December 21, 2023
7. Plaintiff's First Set of Requests for Production of Documents sent on December 21, 2023.

B. DISCOVERY REMAINING TO BE COMPLETED

1. The Parties further anticipate propounding additional discovery, including written discovery, third party discovery, and depositions.
2. The Plaintiff is anticipating conducting several depositions with the defendants and persons most knowledgeable.

C. GOOD CAUSE AND EXCUSABLE NEGLIGENCE TO EXTEND DISCOVERY

To amend a scheduling order, a party must demonstrate good cause (if the filing is made 21 days before the discovery deadline) or excusable neglect (if the filing is made within or after 21 days before the discovery deadline. LR 26-3; LR IA 6-1(a). Courts

1 consider the “need for modification,” inexcusable” delay, and prejudice to an opposing
 2 party when ruling on a motion to reopen discovery under the excusable neglect standard.
 3 *See Alcantara v. Bodega Latina Corp.*, No. 2:18-cv-00882-JAD-BNW, 2021 WL 1771870,
 4 at *1-2 (D. Nev. 2021).

5 The parties have been working to schedule depositions in this matter, however,
 6 given the nature of these allegations stemming from 2015-2017, there has been a difficulty
 7 in scheduling depositions with parties who contain personal knowledge. Recently, the
 8 parties did have depositions scheduled for April 24 and April 25, however, due to the age
 9 of this matter, the parties felt it would be necessary to reschedule those depositions in
 10 order to obtain individuals with more personal knowledge. Given that, there is a
 11 substantial need for modification to the scheduling order. Additionally, there would not be
 12 any prejudice to Plaintiff, Lausteveion Johnson due to the extension allowing more time
 13 to conduct those depositions for his claims in this matter.

14 **D. NEW DISCOVERY DEADLINES AND TRIAL-RELATED DATES**

15 The parties stipulate to and propose the following new deadlines:

- 16 1. Discovery Cut-Off: June 28, 2024
- 17 2. Discovery Motions: July 12, 2024
- 18 3. Dispositive Motions: July 26, 2024
- 19 4. Pretrial Order (if no dispositive motions filed: August 26, 2024

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

E. THE REQUESTED TRIAL DATE DOES NOT NEED MODIFICATION

Trial is currently set in this matter to commence on October 8, 2024, with the Calendar Call being set for September 16, 2024. At this time, the parties do not see the need to extend the date set for trial.

IT IS SO STIPULATED.

Dated this 30th day of April, 2024.

Dated this 30th day of April, 2024

REID RUBINSTEIN & BOGATZ

AARON D. FORD, Attorney General

By: /s/Michael S. Kelley
I. SCOTT BOGATZ, Bar No. 3367
MICHAEL S. KELLEY, Bar No. 10101
300 South 4th Street, Ste. 830
Las Vegas, NV 89101

Attorneys for Plaintiff

By: /s/Andrew C. Nelson
ANDREW C. NELSON, Bar No. 15971
Senior Deputy Attorney General
Office of the Attorney General
State of Nevada
100 N. Carson St.
Carson City, NV. 89701-4717
Tele: (775) 684-1227
E-Mail: acnelson@ag.nv.gov

Attorneys for Defendants

IT IS SO ORDERED.



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: May 1, 2024

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on April 30, 2024, I electronically filed the foregoing, **JOINT STIPULATION TO EXTEND THE DISCOVERY PERIOD (Third Request)**, via this Court's electronic filing system. Parties that are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing, addressed to the following:

Reid Rubinstein & Bogatz
300 South Virginia Street, Suite 830
Las Vegas, NV 89101
sbogatz@rrblf.com
mkelley@rrblf.com

/s/ Karen Easton
An employee of the
Office of the Nevada Attorney General